

Human Resources Policy Bulletin

City of Lincoln

Number: 2024-3

Date: March 6, 2024

Reference:	Title:
Article IX-A, City Charter; Section 2.76.185 and 2.76.365, Lincoln Municipal Code Fair Labor Standards Act, 29 U.S.C.A. Section 201 et seq. Supercedes Personnel Policy Bulletin 2024-1	OVERTIME PAY POLICY

I. PURPOSE

The City of Lincoln is committed to having an overtime policy that ensures fairness, legal compliance with federal and state laws, and efficient and effective operations. Human Resources determines the classification overtime eligibility (exempt or nonexempt) in accordance with the Fair Labor Standards Act (FLSA) standards.

II. PROVISIONS

Employees classified as nonexempt under the FLSA are to be paid for all time worked and paid overtime for time that counts as hours worked over forty (40) hours per work week per Section 207(a) of the FLSA.

Law enforcement employees with a pay range prefixed by “P” will be paid for hours worked over eighty (80) hours in a fourteen (14) day pay period provided for in Section 207(k) of the FLSA.

Firefighters with a pay range prefixed by “F” scheduled to work fifty-six (56) hours per week will qualify for overtime based upon work performed in excess of one hundred fifty-nine (159) hours per twenty-one (21)-day tour of duty as provided for in Section 207(k) of the FLSA.

The City’s work week runs from Thursday through Wednesday. All overtime worked must be at the request and approval of the immediate supervisor or manager and recorded on the timecard submitted to Payroll. It is critical that non-exempt employees be paid for all hours worked, regardless of whether previously approved. A non-exempt employee **cannot** choose to decline payment for any time worked. All time worked must be paid.

Employees may work in more than one department if approval to do so is granted by the appropriate department head or supervisor, and pursuant to LMC 2.76.565. Employees who work in multiple departments are limited to actual worked time of forty (40) hours per work week.

In the event an employee works at two or more rates of pay during the work cycle, then the employee will be paid overtime at a base rate determined by computing the weighted average of the rates at which the employee worked.

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III. NON-EXEMPT ELIGIBILITY BY PAY RANGE PREFIX

Employees in non-exempt (overtime eligible) classifications are eligible to receive pay for overtime work in accordance with the provisions of this Human Resources Policy Bulletin, the applicable collective bargaining agreement, or the Fair Labor Standards Act.

A. Work hours includes:

- i.) Regularly scheduled hours.
- ii.) Time worked outside regularly scheduled hours:
 - o Time worked before or after regularly scheduled hours, even if only to perform routine work duties before normal starting time or going home.
 - o Time worked during the lunch period, even if the employee is not required to remain at the work location to answer phones or perform similar duties. Example: If an employee takes their lunch back to their desk to eat and they do any work, the time spent during the lunch period performing work must be considered time worked.
 - o Time spent in individual or group/team meetings held before or after regularly scheduled hours.
 - o Time spent at home performing work-related duties.

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iii.) In determining hours included as worked time for overtime, the following is included:

Pay Range Prefix	Hours included as worked time for OT	Pay Rate	Comp Time Eligibility
B	1. Worked hours. 2. Split vacation and Personal Convenience Holiday hours combined with pre-bid vacation.	1. Time and one-half (1.5) the regular rate for hours over 40, unless the affected employee is serving a suspension within the pay week and the overtime was voluntary. 2. Time and one-half (1.5) the regular rate for all work performed on a regular assigned day off.	Not applicable.
C	1. Worked hours. 2. Holiday hours (worked and not worked.) 3. Vacation hours. 4. Compensatory time hours used. 5. Personal Convenience Holiday hours.	1. One and one-half (1.5) the regular rate for hours over 40. 2. One and one-half (1.5) the regular rate for snow removal hours worked outside the regular shift of an employee whose job duties include snow removal.	Overtime may be converted to compensatory time up to a maximum of eighty-four (84) hours.
E	1. Worked hours. 2. Legal Holiday hours (not worked).	1. One and one-half (1.5) the regular rate for hours over 40.	Not applicable.
F	1. Worked hours. 2. Legal Holiday hours. 3. Vacation hours.	1. One and one-half (1.5) the regular rate for hours over 40 or 159 hours in 21 days for 56 hour/week employees. 2. One and one-half (1.5) the regular rate for recalled to duty hours (emergency or non-emergency) minimum paid time of two and one-half (2.5) hours.	Not applicable.

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Pay Range Prefix	Hours included as worked time for OT	Pay Rate	Comp Time Eligibility
N	1. Worked hours. 2. Legal Holiday hours (not worked) are not applicable for 24/7-hour operations. 3. Vacation hours. 4. Personal Convenience Holiday hours.	1. One and one-half (1.5) the regular rate for hours over 40. 2. One and one-half (1.5) the regular rate for snow removal hours worked outside of an employee's regular shift.	Overtime may be converted to compensatory time up to a maximum of eighty-four (84) hours.
P	1. Worked hours. 2. Holiday hours (worked and not worked.) 3. All leave hours except sick leave.	1. One and one-half (1.5) the regular rate for hours over 80 in 14 days.	Overtime may be converted to compensatory time up to a maximum of eighty (80) hours.
X	1. Worked hours. 2. Legal Holiday hours (not worked.)	1. One and one-half (1.5) the regular rate for hours over 40.	Not applicable.

B. Meetings, Conferences, Training

Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following criteria is met:

- 1) Attendance is outside the employee's regular working hours.
- 2) Attendance is voluntary.
- 3) The activity is not directly related to the employee's job.
- 4) The employee does not perform any productive work during such attendance.
- 5) If an employee, on their own initiative, attends an independent school or college after hours, that time is not considered to be hours worked, even if the course is job related.

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IV. EXEMPT CLASSIFICATIONS

Employees in exempt classifications are not eligible to earn overtime, except as provided for in this policy.

A. Mayoral Approval

The Mayor may grant overtime to an exempt employee when it is demonstrated by a department head to be in the best interests of the City. Such requests shall be presented to the Mayor in writing by the department head, with a copy to the Human Resources Director, indicating the nature of and estimate of the overtime hours involved, and the desired duration of the exceptions. The exception must be granted each calendar year and is not automatically renewed.

B. On-Call

A Department Head can assign, in writing, an exempt employee(s) in a classification with a pay range prefixed by 'A' to "on-call" status. The employee(s) shall be paid one (1) hour of pay at their regular hourly rate of pay for each eight (8) hour period occurring while so assigned. Exempt employees shall not report hours worked on any time sheet, but shall report only paid time leaves away from work as prescribed by each department head.

C. Public Safety

Exempt Public Safety employees are eligible to receive overtime in limited circumstances.

i. Employees in these classifications:

Assistant Chief of Police (3125),

Police Captain (3123) and

Police Lieutenant (3122)

will be compensated at one and one-half (1 1/2) times the regular rate when any of the following exists:

- a. The Mayor declares an emergency which requires law enforcement to respond to a specific incident;
- b. The Chief of Police or designee initiates an emergency mobilization, per department policy;

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- c. The employee is working at an event where police services are paid by an outside entity or sponsored by another City department;
- d. The employee is working an outside employment assignment per department policy;
- e. The employee is working a short-term grant-funded assignment outside of regular hours;
- f. The employee is a member of SWAT, Field Force, or Crime Scene, and is activated for service outside of normally assigned working hours and not performing regularly assigned duties or to cover a duty command shift. This does not include training hours.

Employees will be paid overtime for hours worked over forty (40) hours in a workweek. Paid legal holiday time (not worked) shall count towards hours worked for the computation of overtime. Employees will be paid straight time for hours worked in a. through f. when they do not meet the threshold of 40 hours of worktime per week for overtime pay. Exempt employees eligible for overtime must submit a timecard. Time worked must be recorded in the City time keeping system on a daily basis.

- ii. Employees in these classifications:

Assistant Fire Chief (3002),
Battalion Chief (3008 – 2080 hours) and
Battalion Chief (3017 – 2912 hours)

will be compensated at one and one-half (1 1/2) times the regular rate when any of the following exists:

- a. The Mayor declares an emergency which requires Fire personnel to respond to a specific incident;
- b. The Fire Chief or designee initiates an emergency call-back, per department policy;
- c. The employee is working an event where Fire/EMS services are paid by an outside entity or sponsored by another City department;
- d. The employee is working a grant-funded assignment or USAR deployment; or attending mandated training that is required to qualify for the specific position held.
- e. The employee is filling a vacancy on a Battalion unit when working in excess of their regular schedule and not performing regularly assigned duties.

Employees will be paid overtime for hours worked over forty (40) in a work week or employees working a fifty-six (56) hour week for hours worked over one hundred fifty-nine (159) hours in a twenty-one (21) day period. Paid legal holiday time (not worked) shall count towards hours worked for the computation of overtime. Employees will

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be paid straight time for hours worked in a. through e. when they do not meet the threshold of 40 hours of worktime per week or one hundred fifty-nine (159) hours in a twenty-one (21) day period for overtime pay. Exempt employees eligible for overtime must submit a timecard. Time worked must be recorded in the City time keeping system per pay period.

D. Recreational Exemption

Employees who work in a seasonal temporary classification with recreational responsibilities in the Aquatics Team at the Parks and Recreation Department are exempt (not overtime eligible) as provided for in Section 213 (a)(3)(A) of the FLSA.

The FLSA indicates employees may be exempt if they are employed in an amusement or recreational establishment, "if (A) it does not operate for more than seven (7) months in any calendar year..."

i. Seasonal Temporary Aquatics Recreational Classifications include:

- Intermediate Level Worker (4902),
- Para-Professional/Technical Worker (4903),
- Professional/Technical Worker (4904),
- Pool Manager (4907),
- Recreation Aide I (4910),
- Recreation Aide II (4912),
- Seasonal Parks Laborer (4914),
- Laborer I (5008),
- Laborer II (5009),
- Labor Supervisor I (5010),
- Equipment Operator I (5205),
- Equipment Operator II (5206).

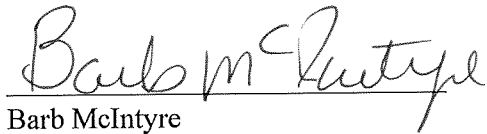
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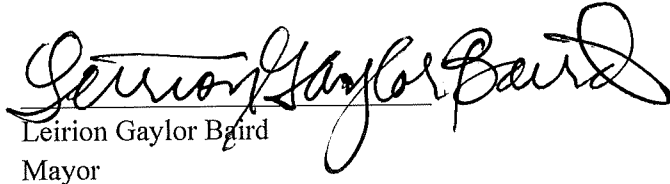
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Barb McIntyre
Human Resources Director

3/28/2024
Date



Leirion Gaylor Baird
Mayor

3/28/2024
Date